

Entered - 11/24/09 - sb
CL 09L0911 - LISA CARTER

10- R -0355

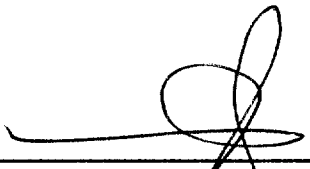
CLAIM OF: **VINCENT R. JR and
MICHELLE T. SIMS**
P.O. Box 287
Atlanta, Georgia 30301

For damages alleged to have been sustained as a result of striking a pothole on November 18, 2009 at 3065 Brownsmill Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **VINCENT R. JR AND MICHELLE T. SIMS** the sum of **\$550.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a pothole on November 18, 2009 at 3065 Brownsmill Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

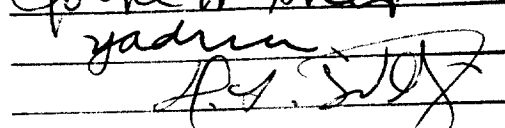
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR: 

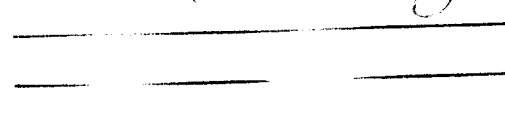














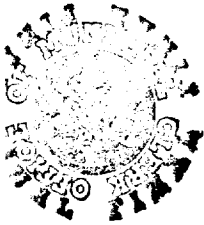




MAR 01 2010

MAR 01 2010

ADOPTED BY
MAR 01 2010
COUNCIL



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0355

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Vincent R. Jr and Michelle T. Sims** the sum of **\$550.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **striking a pothole on November 18, 2009 at 3065 Brownsmill Road.** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/5212005/1512000.**

A true copy,

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**MAR 01, 2010
MAR 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0911

Date: January 28, 2010

Claimant /Victim VINCENT R. JR AND MICHELLE T. SIMS

BY:(Atty)(Ins.Co.)

Address: P.O. Box 287 Atlanta, Georgia 30301

Subrogation: Claim for Property damage \$ 550.00 Bodily Injury \$

Date of Notice: 11/18/09 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/18/09 Place: 3065 Brownsmill Road

Department Public Works Bureau: Office: Transportation Services

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a pothole at 3065 Brownsmill Road. An investigation determined that although a search of city records shows that the city did not have actual notice of a problem, the defect appeared to have existed for such a length of time that the city should have known and corrected it.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial


Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR – LISA CARTER

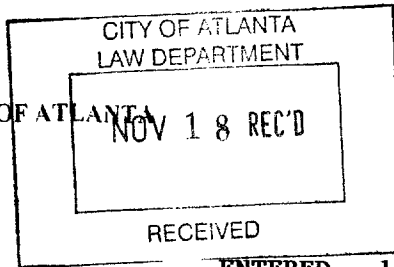
RECOMMENDATION:

Pay \$ 550.00 Adverse Account charged: General Fund X Water & Sewer Aviation

Claims Manager:  Concur/date 02/10/10

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303



RE: CLAIM FOR DAMAGES

Today's Date: 11/18/2009

Dear Municipal Clerk:

ENTERED - 11-24-09 - SB
09L0911 - L. CARTER

CARTER
11/18/09
[Signature]

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 550.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 11/18/2009 2. Time of incident: 0830 3. Police called: 0830
4. Location of incident (including street address): 3065 Browns Mill Rd
5. Name of your insurance company: USAA Policy No. 014470842C71027
6. State what and how incident occurred: Traveling North on Browns Mill Rd and hit a pot hole which cause Damage to my Front Passenger Side tire & Rim.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: Infiniti G35/AZF1726/Vincent R. Sims JR
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: N/A

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]
Signature of Claimant

Vincent R. Sims JR
(Print Claimant's Name)

P.O. Box 287
(Address)

ATLANTA, GA, 30301
(City, State and Zip Code)

404-914-4575
(Work Number) (Home Number)
Cell

10- R -0355

RCS# 99
3/01/10
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	Y Moore	E Bond
E Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		